

REMARKS

Applicants respectfully request reconsideration and allowance of the above-identified patent application. In this paper, claims 31-35 and 51-54 remain pending, wherein claim 54 has been amended.

Initially Applicants note with appreciation the Examiner's acknowledgement of the persuasiveness of Applicants' previous arguments and the withdrawal of the previous grounds of rejection.

The Office action provisionally rejects claims 31-35 and 51-54 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 4-6, 24-26, 28-31, 35-41, 52, 68, 82, and 83 of copending Application No. 09/770,767. In light of the terminal disclaimer filed herewith, Applicants respectfully submit that the Examiner's obviousness-type double patenting rejection has been overcome, and request that the rejection be withdrawn.

The only remaining issue in the case is the Office action's rejection of claim 54 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Office action states that the term "easier to compress" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. In order to address the Examiner's concerns, Applicants have amended claim 54 cancelling this limitation. Accordingly, Applicants respectfully submit that claim 54 is now definite; and therefore request withdrawal of this ground of rejection.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance, and notice to this effect is earnestly solicited. Should any question arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that he be contacted at +1.801.533.9800.

Dated this 3rd day of May, 2006.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Wesley C. Rosander", written over a horizontal line.

RICK D. NYDEGGER
Registration No. 28,651
WESLEY C. ROSANDER
Registration No. 51,030
Attorney for Applicant
Customer No. 047973